

# C A D W A L A D E R

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December 13, 2019

## VIA ECF

Hon. Shelley C. Chapman  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green  
Courtroom: 623  
New York, New York 10004

Re: *In re Lehman Bros. Holdings Inc., et al.*, Case No. 08-13555 (SCC) Chapter 11

Dear Judge Chapman:

I write in response to the letter of Gary M. Stentz, dated December 3, 2019, concerning a subpoena to Cascade Investment, L.L.C. inadvertently served on Mr. Stentz's company, Cascade Investment LLC. This is was a regrettable, but understandable case of mistaken identity. Mr. Stentz's firm, apparently established in 2017, has an near-identical name to Cascade Investments, L.L.C., the intentional recipient of our subpoena. We have since reissued the subpoena to the correct recipient.

I am informed that, due to a clerical error, the name of my associate that served the subpoena and the contact information for our firm was omitted on the subpoena form. After retrieving his letter from the docket, we called Mr. Stentz to assure him that the subpoena was directed to the wrong party and to apologize for any inconvenience it may have caused him.

Mr. Stentz is not entitled to sanctions under Fed. R. Civ. P 45(d)(1), which concerns an attorney's duty to avoid imposing an undue burden on the person subject to the subpoena. If Mr. Stentz had simply called our firm and asked for the attorneys involved in the Lehman bankruptcy, he would have been referred to me or my associate and we would have immediately corrected the situation. His decision to instead write a lengthy letter to the Court was not a burden imposed on him by the attorney serving the subpoena, as is necessary to seek a remedy under Rule 45(d)(1).

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We also apologize to the Court for the time taken to address this issue. Because we have withdrawn the subpoena with respect to Mr. Stentz's firm, we do not believe any further action is warranted or required.

Respectfully submitted,



Michael E. Petrella

Copy to:

Gary M. Stentz, Esq.  
Cascade Investment, LLC  
452 E La Salle Street  
Colorado Springs, Colorado 80907